



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/595,924 | 05/19/2006 | Diana Oehms | 102792-587-11376P4US | 9098 |
| 27389 7590 01/15/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022 | | | EXAMINER HUYNH, LOUIS K | |
| | | | ART UNIT 3721 | PAPER NUMBER |
| | | | MAIL DATE 01/15/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,924

Applicant(s)

OEHMS ET AL.

Examiner

Louis K. Huynh

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/19/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

2. The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Specification

3. The disclosure is objected to because of the following informalities:

- Applicant is respectfully requested to provide proper headings to the specification in accordance with current U.S. practice.
- The specific polymer such as polyvinyl alcohol, polyvinyl pyrrolidone, polyacrylid acid, etc. should be written without parentheses. Applicant is respectfully requested to review and amend the specification to delete all parentheses included in the polymers.

Appropriate correction is required.

Claim Objections

4. Claims 6, 9 and 24 are objected to because of the following informalities:

- The specific polymer such as polyvinyl pyrrolidone, polyacrylid acid, polymaleic acid and polyvinyl alcohol, recited in claims 6 & 9, should be written without parentheses. Note that phrases in parentheses in a claim are usually not given

Art Unit: 3721

patentable weight because characters within parentheses in a claim are to be used as reference characters. See MPEP 608.01(m).

- Individual step in claim 24 should not be capitalized and the claim must be terminated with a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 6 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- Claim 6 recites that the additional injection moulded water-soluble polymer is selected from polyacrylic acid or an ester thereof, polymaleic acid or an ester thereof which cannot be found in the originally filed specification.
- Claim 13 recites that the container comprises a tablet formulated which cannot be found in the originally filed specification. Note that specification teaches that the detergent composition may be formed as a tablet, but does not teach that the container comprises a tablet formulated.

Art Unit: 3721

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, lines 4-5: “filling with detergent composition” is indefinite because it is unclear as to what is filled with the detergent composition.
- Claim 1, line 5: “sealing” is vague and indefinite because it is unclear as to what is sealed.
- Claim 1, lines 5-6: “the container is allowed to come into contact with a plasticiser” is vague and indefinite because it is unclear as to what action applicant is referring in order for the container to come into contact with the plasticiser.
- Claim 3, lines 5-6: “filling with detergent composition” is indefinite because it is unclear as to what is filled with the detergent composition.
- Claim 1, line 6: “sealing” is vague and indefinite because it is unclear as to what is sealed.
- Claim 1, lines 6-7: “the container is allowed to come into contact with a plasticiser” is vague and indefinite because it is unclear as to what action applicant is referring in order for the container to come into contact with the plasticiser.
- Claim 3, line 1: “PVOH” is indefinite because it is unclear what PVOH stands for.

Art Unit: 3721

- Claim 6, lines 2-3: “poly, poly or an ester thereof, poly or an ester thereof” is confusing. Note that phrases in parentheses are not part of the claim.
- Claim 7, line 1: “the first polymer” is indefinite because it is unclear as to what “first polymer” applicant is referring.
- Claim 8, lines 3-4: “preferably in the form of a film or injection-moulded” renders the claim indefinite because it is unclear whether the phrase following “preferably” is a part of the claimed invention.
- Claim 16, line 2: “the containers” lacks proper antecedent basis. Note that there is only one container being formed in the method of claim 1.
- Claim 17, line 6: “the closure parts” lacks proper antecedent basis.
- Claim 18, line 4: “the fabric care, surface care, or dishwashing composition” lacks proper antecedent basis. Furthermore, it is unclear whether the step of adding in claim 18 is an additional step other than the step of filling recited in claim 1.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by WO'454 (WO 02/092454).

- With respect to claims 1 and 2, WO'454 discloses a method for manufacturing a rigid water-soluble container containing a detergent composition that meet all of applicant's claimed subject matter; in particular, the method of WO'454 comprises the step of: forming a container by injection molding (page 16, lines 30-31), filling the container with a detergent composition (page 16, lines 31-32), sealing the filled container (page 17, lines 1-4), and allowing the sealed container to come into contact with a plasticizer by exposing the sealed container to ambient air prior to packaging such that the container absorbs moisture (water) from the air as a natural phenomenon.
- With respect to claims 3-7, WO'454 discloses a method for manufacturing a rigid water-soluble container containing a detergent composition that meet all of applicant's claimed subject matter; in particular, the method of WO'454 comprises the step of: forming a container by sequentially injection molding (page 15, line 29 – page 16, line 2) in part from a first polyvinyl alcohol (PVOH) polymer (page 16, lines 4-6) and in part from a second polymaleic acid polymer

Art Unit: 3721

(page 15, lines 24-27), keeping the container in a substantially anhydrous condition by not wetting the container, filling the container with a detergent composition (page 16, lines 31-32), sealing the filled container (page 17, lines 1-4), and allowing the sealed container to come into contact with a plasticizer by exposing the sealed container to ambient air prior to packaging such that the container absorbs moisture (water) from the air as a natural phenomenon.

- With respect to claims 8, 9, & 11, the container made by the method of WO'454 comprises a water-soluble receptacle part and a water-soluble closure part; wherein the closure part can be in the form of a film (page 17, lines 1-4) or alternatively in the form of a rigid closure (page 17, line 16-19), and wherein the closure part is formed from a plastic film comprising polyvinyl alcohol (PVOH) (page 14, lines 11-15).
- With respect to claim 10, the receptacle part of the container made by the method of WO'454 has side walls that terminate at their upper end in an outward flange (page 13, lines 24-28).
- With respect to claim 12, in the method of WO'454, the detergent composition to be filled into the container may comprise a powder, gel, paste or low water liquid formulation (page 20, lines 13-14).
- With respect to claim 13, as best understood, the container made by the method of WO'454 may contain a composition in the form of gel tablet that may be formulated to dissolve slowly depending on the intended use (pg. 18, line 24-31).

- With respect to claim 14, the receptacle part of the container made by the method of WO'454 may have upstanding wall that separates the receptacle part into separate compartments (page 17, line 23 - page 18, line 5).
- With respect to claim 15, the closure part of the container made by the method of WO'454 is of transparent or translucent material (page 18, lines 16-18).
- With respect to claim 16 & 17, the method of WO'454 forms an array of connected containers, wherein individual container can be separated from the array via a line of weakness (page 16, lines 22-24).
- With respect to claim 18, the forming step in method of WO'454 further comprises the steps of: melting the polymer, injecting the molten polymer into a mold, removing the rigid container from the mold; and the step of filling comprises adding fabric care, surface care or dishwashing composition (page 39, line 23-28).
- With respect to claims 19-23, the method of WO'454 further comprises injecting a first polymer and an additional polymer into the mold simultaneously or sequentially (page 39, lines 30-32); wherein the specific technique and/or steps recited in claims 20-23 are disclosed on page 40, lines 1-25.
- With respect to claim 24, WO'454 discloses a method for manufacturing a rigid water-soluble container containing a detergent composition that meet all of applicant's claimed subject matter; in particular, the method of WO'454 comprises the step of: forming an array of containers in an injection molding process; removing the array from the mold; placing the array in a storage area;

Art Unit: 3721

filling the array of containers with the detergent composition; placing a closure on the array; sealing the containers; and separating the array into individual containers (page 16, line 30 - page 17, line 5). Note that the step of placing the array in a storage area is an inherent step because it is known in the art that the array of containers must be taken out of the mold at the injection molding station and must be transfer from the injection molding station to the next station for further processing; the container must be placed in a storage area while waiting to be transferred and/or during transfer such as a transfer cart; hence the step of placing the array in a storage area.

Conclusion

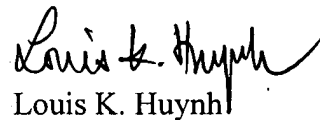
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh
Primary Examiner
Art Unit 3721

January 14, 2008